



Case Report

1	Case Number	0010/17
2	Advertiser	Lowes Menswear
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two men talking about the post Christmas sale at Lowes. One of the men is dressed as a cleaning woman. In the final shot the man dressed as the woman accidentally uses the vacuum to suck the shirt off the other man.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The man dressed as a woman depicting her in a demeaning way.

I don't think it sends a very good message about women. I find it insulting and insensitive as there are women in society that have an issue with their body image due to extra hair in places on their bodies that they shouldn't have.

One of the men was dressed up as a middle aged woman, he had a headscarf and lipstick on, below his moustache. The meagre fancy dress was a stereotype of an older woman. This stereotype is a way of disrespecting not only women but especially older women. It ridicules denigrates and insults them. It is sexist and ageist and I personally find it deeply insulting as an older woman. I believe it contravenes AANA code of ethics, in particular Section 2.1

which states that the "Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief." This advert discriminates against women who are older members of the community.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We refer to your letter in relation to complaints made to the Advertising Standards Bureau (ASB) concerning a Lowes Menswear television commercial for their Post-Christmas Sale.

Thank you for providing Lowes with the opportunity to respond to the complaints as set out below.

1. History

Lowes is an Australian family owned business with nearly 200 stores nationally. Lowes advertising is known for its larrikin, fun factor offering quality menswear at an affordable price.

2. The Post-Christmas Sale Campaign

The advertisement aimed to create attention with 2 characters doing a store cleanout. The ad was never intended to be inappropriate or lack sensitivity.

3. Response to Section 2 of the Code

2.1 - Discrimination or Vilification Age

Lowes does not believe the advertisement discriminates or vilifies against age as there is no reference to the age of the actor at any time during the ad. There was no intention to depict the actor as an older woman. This is the age of the actor and he has been featuring in the ads regularly for a number of years.

2.1 - Discrimination or Vilification Gender

Lowes does not believe the advertisement discriminates or vilifies against gender. Lowes believe that men should have the right to dress as a woman if he chooses. Just the same as a woman has the right to dress as a man. Dressing as a woman isn't demeaning to women. There was no demeaning or vilifying acts portrayed in the ad. During the entire ad the actors are jovial and supporting each other in cleaning out the store. Lowes is a larrikin brand and many of their ads have featured ex-football players dressing up as women in the spirit of humour. Cross dressing is a mode of fancy dress and one that is enjoyed by rugby and other sporting societies. Cross dressing has been featured on a number of TV shows and movies in humorous ways with famous celebrities such as Dame Edna Everage.

2.6 - Health and Safety Within Prevailing Community Standards

There was no intention to insult women that have issues with their body image. The actor in the ad had no changes to his body size or facial hair. Lowes does not believe this contravenes any health and safety issues. The fact that only a nominal number (3) of complaints have been received by the ASB indicates that the ad has not caused serious or widespread offence (having regard to Prevailing Community Standards).

4. The Complaints

The ad was never intended to be inappropriate or lack sensitivity. The ad ran for 3 days only (26-28th December 2016), the advertised product is no longer available and the ad will not be used again.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features a man with a moustache dressed as a woman which is insulting and ridicules older women.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement features two men promoting the Lowes ‘Clean out’ Sale by holding up various items and announcing their new prices. The Board noted that one of the men is dressed as a female and is holding a vacuum cleaner which removes his colleague’s top at the end of the advertisement.

The Board noted the complainants’ concerns over the use of a man dressed as a woman. The Board noted that it is not of itself discriminatory or vilifying to depict a person dressed as a different gender and considered that in this instance the use of a man dressed as a caricature of a ‘Mrs Mop’ cleaner is not intended to be offensive to woman or to suggest that this how woman do, or should, look.

The Board noted the complainants’ concerns that the advertisement is offensive to older women because it ridicules their dress. The Board noted that the man dressed as a female cleaner is himself an older man and considered that he is intended to be a cleaner and in the Board’s view the focus is on the man as a caricature of a cleaner rather than on women, be they old or young.

Overall the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of age or gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that at the end of the advertisement the man dressed as a woman accidentally vacuums the other man’s top off.

The Board noted that this scene is very brief and is presented as an accident and considered that the advertisement does not suggest that this is an appropriate use of a vacuum cleaner and in the Board’s view the advertisement is unlikely to encourage viewers to use a vacuum cleaner in a similar manner.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.